IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1487 of 2005

Between:

K. William, S/o. Thomas,
OCP III, RG-III Area, Singareni Colleries Co Ltd., Ramagundam Area, Karimnagar District.

..... PETITIONER

AND

1 The General Manager, Singareni Colleries Co. Ltd., Ramagundam Division, Area III, Ramagundam, Karimnagar District.
2 The Deputy General Manager Open Cast Project, Singareni Colleries Co. Ltd., Ramagundam Division, Area III, Ramagundam, Karimnagar District.
3 The Director (Personal), Singareni Colleries Co. Ltd., Ramangundam Division, AreaIII, Ramangundam, Karimnagar District.
4 K. Chandra Mouli, Personal Manager, OCP-III,Singareni Colleries Co Ltd., Ramagundam Division, Area III, Ramagundam, Karimnagar District.
5 The Chairman and Managing Director, Singareni Colleries Company Ltd., Lakdikapul, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the impugned order dt. 15.10.2004 passed by the 1st respondent in Ref. No.RG-3/PER/R/008/1295 as illegal, arbitrary and unjust and consequently set-aside the same.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondent : MR.NANDIGAM KRISHANA RAO, S.C. for Singareni Colleries

The Court made the following :

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ORAL ORDER:

This writ petition is filed challenging the order, dated 15.10.2004 in Ref.No.RG-3/PER/R/008/1295 passed by the 1st respondent and to set aside the same.

The grievance of the petitioner is that by virtue of the impugned proceedings, he was reverted to a lower grade.

Heard the learned counsel for both the parties and perused the material on record.

The learned counsel for the petitioner has contended that the charges levelled against the petitioner and the provision of law are not applicable to the facts of the present case and therefore, he prays to allow the writ petition.

The learned standing counsel for the respondents has contended that an appeal is provided against the order passed by the disciplinary authority and therefore, he may approach the appellate authority.

Without entering into the merits of the case, I consider it appropriate to direct the writ petitioner to file an appeal before the appellate authority constituted by the management, thereafter, the appellate

authority shall have to dispose it of in accordance with law since it is not a case of violation of principles of natural justice nor is it a case that the authority who passed the order has no jurisdiction. Inasmuch as the appeal has to be filed within 45 days and the time for filing such appeal has already been elapsed since the petitioner is prosecuting the case before this Court, he shall file an application to condone the delay in filing the appeal and the same shall have to be considered sympathetically.

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

3rd March, 2005.

bcj

To

1 The General Manager, Singareni Colleries Co. Ltd., Ramagundam Division, Area III, Ramagundam, Karimnagar District.
2 The Deputy General Manager, Open Cast Project, Singareni Colleries Co. Ltd., Ramagundam Division, Area III, Ramagundam, Karimnagar District.
3 The Director (Personal), Singareni Colleries Co. Ltd., Ramangundam Division, AreaIII, Ramangundam, Karimnagar District.
4 The Chairman and Managing Director, Singareni Colleries Company Ltd., Lakdikapul, Hyderabad.

5 Two C.D. copies.